IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO: 551 of 2005

Between:

M.V. Ramana Reddy, S/o. Sri M. Reddappa Reddy,
M/s. Bharat Sanchar Nigam Ltd., O/o. General Manager,

Telecom District, Chittoor, Tirupati, 517501

R/o 104H, Railway Colony, Tirupati.

... PETITIONER

AND

1 M/s. Bharat Sanchar Nigam Ltd., rep. by the Chief General

Manager, Telecommunications, Hyderabad.
2 The General Manager, Telecom District, Tirupati.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ of Mandamus or any other appropriate Writ Order or direction in the nature of Writ directing the Respondents herein to consider the case of the Petitioner for promotion to the next higher cadre under OTBP Scheme on completion of 16 years of service with effect from 1st August, 1998 in the interest of justice with all consequential benefits such as seniority, arrears o pay and allowances etc. and pass any other order or orders.

Counsel for the Petitioner: MR.VEMURIVENKATESWARA RAO

Counsel for the Respondents: MS.P.SARADA

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed by the petitioner seeking a writ of *Mandamus* directing the respondents to consider the case of the petitioner for promotion to the next higher cadre under OTBP scheme on completion of 16 years of service with effect from 1st August, 1998 and to grant all consequential benefits including seniority, arrears of pay and allowances etc.

2. According to the petitioner, he was originally appointed as Lower Division Clerk by Direct Recruitment on 1st August, 1983 in the office of the Director, Department of Telecommunications, Tirupati, which subsequently became the office of the General Manager, Telecom District. The petitioner was promoted to the post of Upper Division Clerk in the year 1988. It is stated that the petitioner later got converted to the cadre of Senior Telecom Office Assistant in the year 1992 and he was transferred to Tirupati from the office of the General Manager, Telecom District. It is stated that as per the scheme introduced by the respondent in the year 1999 called OTBP scheme, employees who have completed 16 years of service are entitled for promotion to the next higher cadre. Though the petitioner has completed 16 years of service, and in fact, the respondent Corporation has granted benefit even to the juniors to the petitioner, but, however, the case of the petitioner was not considered. With reference to the juniors to the petitioner, an order was passed on 7.2.2000 granting the benefit from the year 1999. As petitioner's case was not included in the said list, a representation was made on 13.5.2000 and number of similar representations were made subsequently also. But, however no orders are passed either granting or rejecting the case of the petitioner. However, it is stated that the petitioner came to know that the respondent Corporation did not pass orders on the ground that a charge sheet was issued under Rule 14 of the CCS (CCA) Rules, 1965, in the year 1993. Though defence brief was submitted in the year 1994 itself, no orders were passed by the department. On the ground that the said charge sheet is pending the case of the petitioner was not considered.

3. Learned counsel appearing for the petitioner contended that as the petitioner has completed 16 years of service and as there are no apparent disciplinary proceedings pending, the petitioner is entitled to promotion, more so when his juniors were given the benefit of promotion under the said scheme.

4. Heard learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation and considered the material on record.

5. Admittedly, petitioner had completed 16 years of service, and therefore, he is entitled for the benefit under the scheme introduced by the respondent which came in to effect in the year 1999. Though, apparently there were no objections, but, however, the respondents have kept the matter of the petitioner pending without passing any orders, even though, orders were issued on 7.2.2000 in respect of the persons, who were juniors to the petitioner. In view of the orders passed with reference to the juniors to the petitioners, the respondent authorities are directed to consider the representations of the petitioner already submitted and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The respondents are not entitled to take cognizance of the pendency of the charge sheet of the year 1993 as no orders have been passed on that till date. The respondents are directed to pass appropriate orders, as directed, and, if the petitioner is given the benefit of promotion under OTBP scheme, he is also entitled for all consequential benefits.

6. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

Dated: 07.6.2005.

RAR/KVH

To

1 The Chief General Manager,

M/s. Bharat Sanchar Nigam Ltd.

Telecommunications, Hyderabad.
2 The General Manager, Telecom District, Tirupati.

3 2 CD copies.